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PRIZE COURTS, 64. This principle is not applicable, however, where the title has vested in the neutral buyer before shipment. Thus when enemy goods were consigned to a neutral buyer as his property and at his risk, they were not confiscated. *The Herman*, 4 Rob. 228. Similarly, enemy goods shipped to a neutral buyer by an agent representing him in the enemy country have been held to lose their enemy character. See *The San Jose Indiano and Cargo*, 2 Gall. 267, 291. This was held true even when an enemy firm acted as agent or shipper for the neutral buyer. See *The Portland*, 3 Rob. 41-44. Perhaps all decisions as to goods from a belligerent country with title in a neutral are not entirely reconcilable. See 7 MOORE, DIGEST OF INTERNATIONAL LAW, §§ 1183, 1184, 1185. But it would seem that a doctrine concerning the passing of title to ships and goods on ships *in transitu* can hardly support the confiscation of goods title to which is claimed to have passed before shipment.

INTERSTATE COMMERCE — DISCRIMINATORY RATE — BURDEN OF PROOF. — Shippers of the town of Rockport, Illinois, filed a complaint before the Interstate Commerce Commission alleging that the defendant's rate on certain goods from Rockport to St. Louis was "unduly discriminatory in violation of sections 2 and 3" of the act to regulate commerce. The rate was increased shortly after the filing of the complaint. *Held*, that the burden is on the defendant to show that no unjust discrimination exists. *Burson Knitting Co. v. C. M. & St. P. Ry. Co.*, 42 Int. Com. Rep. 739.

At common law there is no underlying principle which will enable one to determine in a given issue on whom the burden of proof shall fall other than the general one of fairness based on experience. See 4 WIGMORE, EVIDENCE, § 2486. The Commerce Commission follows the courts in this matter. See JUDSON, INTERSTATE COMMERCE, 3 ed., § 440. Were the act to regulate commerce silent on the question, fairness would seem to demand that the carrier on increasing its rate should not be called upon to show that no one or no locality of possible hundreds was discriminated against. It should not have to prove a general negative. Even if a specific locality complains of such rate there is no reason why the complainant should not be left to establish its case. There are no presumptions arising from the long standing of the previous rate. *People ex rel. N. Y. C. & H. R. R. Co. v. P. S. Comm.*, 215 N. Y. 241, 109 N. E. 252. Nor is there any presumption of wrong arising from a changed rate. *I. C. C. v. Chicago Gt. Western Ry. Co.*, 209 U. S. 108, 119. The practice of the Commission itself has been in accordance with these holdings. *Holmes & Co. v. So. Ry. Co.*, 8 Int. Com. Rep. 561. See JUDSON, INTERSTATE COMMERCE, 3 ed., § 440. But the amendment of 1910 of section 15 of the Act expressly provides that the burden of showing an increased rate is "reasonable" shall be on the carrier. But it would seem that "reasonable" must be distinguished from "discriminatory." For that the word "reasonable" has not a scope sufficiently broad to include discrimination appears from the classification and division of objections to rates in section 1, providing against "unreasonable" rates, section 2 providing against "discriminatory" rates, and section 3 providing against "preferential" rates. *Wickwire Steel Co. v. N. Y. C. R. Co.*, 30 Int. Com. Rep. 415, 420.

LEGACIES AND DEVISES — UNCERTAINTY — DEVISE TO UNBORN BASTARD OF SPECIFIED FATHER. — The testator in a codicil set aside a share of his estate "in case he should leave any other male child by the said Mary Ann," with whom he was unlawfully cohabiting. There was a male child *en ventre sa mère* at the testator's death. *Held*, that the bastard does not take. *In re Homer*, 115 L. T. R. 703.

A gift by deed or by will to future bastards of either the donor or a third person has in the past been held void. *Medworth v. Pope*, 27 Beav. 71; *Metham v. Duke of Devon*, 1 P. Wms. 529. See *Blodwell v. Edwards*, Cro. Eliz. 509, 510. The reason seems to be the policy against the encouragement of